

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**RFA No.3556 of 2017(O & M)
Date of Decision:21.08.2017**

Bijender Singh and others

....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Gaurav Aggarwal, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM-8461-CI-2017

Application is allowed as prayed for.

CM-8462-CI-2017

This is an application for condonation of delay of 1591 days in filing the accompanying appeal. Learned counsel for the applicants concedes, at the outset, that the explanation rendered in the application, hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgement dated 20.05.2016, rendered by this Court in **RFA No.4475 of 2012** titled “Ram Chander and another vs. State of Haryana and others”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Mr.Shivendra Swaroop, AAG

Haryana, present in the Court, accepts notice on behalf of respondents No.1

and 2. For, respondent No.3 is alleged to be a proforma party, his service is dispensed with.

The factual position as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision of the Hon'ble Supreme Court in *Imrat Lal and others v. Land Acquisition Collector and others*, 2015(2) RCR (Civil) 437 and *Dhiraj Singh (D) Tr. LRs. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 1591 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-8463-CI-2017

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions. Consequently, legal representatives of deceased Birmati-appellant No.4 and Saroj Kumari-appellant No.6, as depicted in para Nos.3 and 6 of the application, are brought on record, for the purpose of pursuing the appeal only. However, it is clarified that this order shall have no bearing upon any dispute, pending qua the registered Will dated 22.07.2009, referred to in para No.4 of the application.

CM stands disposed of.

RFA-3556-2017

For, learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this court in Ram Chander's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.1591 days.

August 21, 2017
neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No